

HR Toolkit

# Employee Discipline

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Provided by: **Troy Benefits Consulting**



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# Introduction

Employee discipline is an inherently complicated topic. It involves carefully navigating workplace policies and legal obligations while finding the appropriate resolution for everyone involved. Depending on the circumstances, necessary disciplinary actions may be straightforward, or they may be complicated and require additional contingencies.

Though potentially murky, employee discipline is a critical topic for employers to understand. Not doing so could leave employers susceptible to costly legal claims and other workplace consequences. Moreover, employers today use various disciplinary methods to proactively meet employee challenges and achieve successful outcomes. With that in mind, this toolkit seeks to educate employers who want to learn more about employee discipline and what it entails.

Included within is an overview of employee discipline, how it may look in practice, relevant workplace laws, an overview of commonly used discipline-related policies and a printable appendix. Reach out to Troy Benefits Consulting with any questions related to these materials or to learn more about employee discipline and other workplace topics.

# Employee Discipline

## Overview

No employer gleefully seeks to discipline employees. Employee discipline is a measured effort to counteract shortcomings before they worsen. This section provides an overview of the purpose of employee discipline and its impact on the workplace.



### **What Is Employee Discipline?**

Employee discipline is the idea of adapting employee behaviors so they align with a workplace’s policies and expectations. Employee discipline may be as minor as a quick conversation, or it could be more severe, such as termination. The end goal of such discipline is to secure a more orderly workplace, where employees meet the expectations of their work product and colleagues.

The type of discipline required in a given situation will vary by circumstance. It’s up to each employer to determine the level of discipline that’s right for their respective organizations while still observing applicable workplace laws. For instance, too much or too little discipline can both have a stifling effect on productivity. That’s why employers should think carefully about how varying levels of discipline may impact their workforces—what works for some employees may not work for others. It’s up to individual employers to find the right balance between fairness and accountability, keeping an eye toward improvement and growth.

## **Conduct that Warrants Employee Discipline**

Employee discipline is a method for correcting unwanted behaviors or actions, either purposeful or accidental. Actions that require corrective discipline will vary in severity, but they all typically fall within two major categories: performance and misconduct.

### **Performance**

Performance-related issues aren't typically malicious—sometimes, they're not even intentional. Regardless, certain performance issues may require employee discipline before they're rectified. For instance, an employee may be missing deadlines to file monthly reports. If the employee is unaware of, or apathetic to, the deadlines, they may continue making this mistake. In some cases, a high-performing or high-potential employee may benefit from purposeful guidance. As such, an employer can step in to discipline the employee so they will know what to look out for in the future. This doesn't mean always admonishing the employee—it's more about bringing the issue to the attention of the employee.

### **Misconduct**

Misconduct is a much larger category of actions that may require employee discipline. In some cases, misconduct is more consequential than performance issues. It may involve improperly handling sensitive data, taking unauthorized absences, incorrectly reporting timekeeping, acting inappropriately towards co-workers or any other action that may be against workplace policy. As some of the examples imply, misconduct can potentially violate workplace laws, meaning counteracting misconduct is a key consideration within employee discipline not only to improve workplace performance but to prevent costly legal battles.

# Prediscipline Policies

Before disciplining employees, it's essential that employers understand the importance of first establishing some prediscipline groundwork. This includes having clear policies in place that expressly outline how employees can be disciplined. It's also wise to ensure employees understand such policies before they're implemented.

This section provides an overview of policies that may be used as part of discipline protocols. Note, this nonexhaustive list is only a representation of various discipline policies and doesn't account for every policy available for employers to develop.

## Establishing Workplace Policies

Clearly written policies are critical to any workplace effort. Policies solidify expectations and provide a template from which employees may judge their conduct.

Below are overviews of the most common relevant policies. Depending on the workplace, these policies may be intertwined into one comprehensive policy or be part of an employee handbook, or they may be separated into separate documents. Regardless, their individual components may be the same or similar in some cases.

### Code of Conduct

A code of conduct, or standards of conduct, policy outlines proper and improper behaviors for the workplace. It is often legal in nature, typically stipulating that certain actions may result in termination or other disciplinary actions. Employees generally sign a code of conduct when they're initially hired, agreeing to the arrangement.

A code of conduct can be as detailed as an employer wishes, and it will typically vary between workplaces. For instance, a code of conduct may include a dress code, acceptable meeting standards, computer usage standards, breaktime allowances and other workplace expectations. The specifics of a code of conduct will depend on the virtues of a given organization, as workplace standards usually reflect those values.

Since the purpose of a code of conduct (and any workplace policy) is employee compliance, it's often written in clear language and without jargon but comprehensive enough to answer any employee questions that may arise. In other words, it explains concepts at length when necessary, rather than leaving their implications up to employees' imaginations.

### Disciplinary Action Policy

In some cases, a disciplinary action policy may be melded into a code of conduct or similar workplace policy that employees must sign prior to employment—it may also be a stand-alone policy. In any case, a disciplinary action policy details actions that violate an organization's values or established expectations. This policy answers the question implied by the code of conduct: "If these standards aren't followed, what happens?" A disciplinary action policy is intended to outline consequences for conduct violations.

## **Employee Discipline**

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A well-written disciplinary action policy typically uses simple language without jargon. It's intended to define what disciplinary action means and how it may appear in practice. For instance, it may state that stealing company property will result in immediate termination. In other words, a comprehensive policy will provide employees with enough examples so they can understand that certain actions will lead to consequences. With a good policy, employees shouldn't have to guess what those actions or consequences are.

A disciplinary action policy will vary by organization and may take numerous forms. One of the most common forms is called progressive discipline, where the level of punishment corresponds to the severity and frequency of the offense. For example, if an organization intends to use a progressive discipline plan, its disciplinary action policy would detail which actions will result in which types of punishment. That means explaining which behaviors may result in a verbal warning, suspension or other disciplinary actions. Summarily, a clear disciplinary action policy is intended to allow an organization to discipline employees equally, providing protection against potential legal claims.

## **Communicating Workplace Policies**

Workplace policies may be better understood when they're readily accessible for anyone in the organization. For example, that could mean allowing access to policies on an organization's intranet site or in a similar online location—and keeping employees apprised of where to find them. Policies that include example scenarios may be even more helpful for employee comprehension. Furthermore, providing easy access to policy details will help keep standards and procedures transparent for everyone, reducing confusion and potential pushback.

When policies are first introduced, it might be a good idea to send employees communication about them well in advance of implementation. This could mean emails, intranet site postings, printed flyers or other communications. Doing so will help ensure employees understand their new expectations.



# Progressive Discipline

Progressive discipline is the model used by many workplaces today, and, as such, it will be the method discussed at length in this toolkit. There are many complex legal issues to tackle with regard to employee discipline. Employers should contact local counsel before taking any steps.

## Progressive Discipline Overview

Progressive discipline seeks to remedy problems in their earliest stages. Its methods gradually increase in severity, beginning with a casual conversation and continuing into written warnings and other disciplinary tactics. Given the number of steps in a progressive discipline system, should the employee fail to improve, there will be ample opportunities to collect documentation if more severe consequences are ultimately deemed necessary.

Progressive discipline may involve one or more additional methods, but the main objective is to improve behavior through a gradual process. In other words, if the first tactic doesn't work, the progression would move to the next and so on until the situation improves.

However, not all situations warrant gradual punishments. Some offenses may necessitate severe and swift action, such as immediate termination. Employers typically have full discretion in [at-will](#) employment scenarios when determining which progressive discipline steps to utilize, so long as the employer's written policy says as much. In other words, the components of progressive discipline are not always followed in the order presented below.

Here are examples of progressive actions that are commonly part of a discipline progression. These and other components are discussed in more detail in a later section:

Informal counseling or chatting about the issue at hand

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Documented verbal warning

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Written warnings (as many as an organization feels is appropriate before moving to the next disciplinary action)

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Situation-dependent actions, including transfers, demotions or other punishments

For example, in a progressive discipline scenario, an employee may receive an informal talking-to after emailing a vendor sensitive data instead of the customer to whom it belongs. Later, if that employee makes a similar mistake, they may receive a formal write-up from their manager. If the behavior continues, the employee may receive stricter action, such as a transfer to a role not involving email

## Employee Discipline

communication. To be clear, the level and type of discipline for this action can and will vary by employer based on their own unique expectations of their employees.

Since the goal of any progressive discipline plan is to correct inappropriate conduct, it must be approached from a learning perspective. Progressive discipline aims to ensure employees clearly understand why they are undergoing disciplinary action and know what they must do to prevent further improper action in the future. To that end, the following topics are relevant in an instance of employee discipline:



Background concerning the incident. Why did the incident happen, in the employee's words? Does the employee understand what they did wrong?



Previous discipline. Is this an isolated incident or simply another incident in a string of previous problems?



Proposed penalty. Does the penalty meet the sufficient warning requirements of the relevant discipline policy?



Precedent. What action has been taken with other employees for the same substandard performance or rule violation?



Discipline rationale. How will this plan motivate the employee to improve their conduct or performance? If the answer to this question is unclear, it may indicate the disciplinary actions should be reconsidered.

While every disciplinary conversation will vary, the above points can help employers focus their efforts.

## Progressive Discipline Pros and Cons

As with any workplace policy, progressive discipline comes with advantages and disadvantages. These are important for employers to consider as they think about ways to implement and adapt their own unique discipline policies. In other words, these pros and cons can help employers conceptualize how they may need to tweak their policies to best fit their individual workplaces.

### Pros

- Each employee and manager understands the escalating steps that may be taken following an infraction—specific disciplinary actions will not be a surprise.
- Outlining specific infractions and punishments demonstrates an employer’s willingness to coach employees, rather than throw the book at them for any minor offense.
- The progressive discipline model allows employees to learn from their mistakes, and it provides them with time to improve.
- Disciplinary action escalates in relation to the offense—the severity of the punishment correlates to the severity of the infraction.
- Specific actions are often tied to specific punishments, which increases the fairness and equal enforcement of the policy. Moreover, such specificity can help an employer defend against potential legal challenges.

### Cons

- Employees and managers must be aware of the specific components of the discipline policy in order to successfully follow through on them.
- Policy components may require extensive paperwork and follow-ups with stakeholders, which redirects time away from other duties.
- Safeguards must be in place to ensure the policy is being equally enforced across the entire organization. This may require additional meetings, documentation reviews or other actions.
- Specifying offenses and their corresponding punishments effectively draws a line in the sand for employees—they will know how far they can go before they risk termination. And deviating or making exceptions to the discipline policy (e.g., terminating an employee before they receive a written warning) may open the organization up to legal challenges.
- Progressive discipline policies could potentially alter the “at-will” status of employees, depending on the manner in which the policy is written.

## Components of Progressive Discipline

Every situation warrants a different level of employee discipline. For instance, violating an email policy likely wouldn’t result in a termination in most instances, whereas theft of company property typically does. Below is a list of different components that comprise progressive discipline. While nonexhaustive, it includes general types that are commonplace across industries. Components are listed in the order that they are commonly conducted (i.e., they increase in severity).

## **Employee Discipline**

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However, as was stated earlier in this section, employers in at-will situations may choose to utilize any progressive discipline component at any time. That could mean starting immediately with a written warning, for example, rather than informal counseling.

### **Informal Counseling**

The first step or component in a progressive discipline policy is typically a verbal conversation with the offending employee. This time is used to discuss the situation, determine what happened, gain perspectives, then discuss next steps. Depending on the severity of the situation, an employer might choose to skip this component and go straight to a verbal warning (which typically comes with documentation, unlike an informal chat). However, any discipline policies will generally outline the types of infractions which may invoke a stricter punishment (i.e., certain actions may trigger a verbal warning with documentation immediately, rather than an informal chat).

### **Verbal Warnings**

In some models, this may be the first step in disciplining an employee, opposed to an informal chat. While similar, this component typically involves a written record of the situation in addition to speaking with the offending employee. In any case, this interaction is intended to acknowledge the offense and prescribe corrective actions or punishments, in accordance with the discipline policy.

### **Written Warnings**

Written warnings often follow verbal ones in a progressive discipline model. Written warnings typically come with a formal write-up for both the employer and employee to retain for their records. Essentially, the record usually outlines the offense, who committed it and the next steps for them to take. Depending on the workplace and its policy, an employee may receive multiple written warnings before moving onto the next step or component of the policy.

### **Performance Improvement Plans**

Performance improvement plans (PIPs) may be included within a progressive discipline strategy, but PIPs often involve other specific actions for an employee to take. PIPs are typically implemented when an employee has developed a pattern of performance issues that may be affecting their individual success or that of their department or company.

In general, a PIP typically involves:



Identifying an issue with an employee



Outlining improvement goals for the employee to meet within a certain time period



Regularly checking in with the employee about their progress toward those goals

If the employee is still not improving after the established timeframe, additional action may be needed.

PIPs can give employees the opportunity to correct any behavioral or performance issues that may be affecting their overall success. By providing employees with achievable and timely goals, employees are given the opportunity to be more engaged at work. The facilitator of the PIP (typically a manager)

## **Employee Discipline**

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typically meets regularly with the individual throughout the process to provide feedback that can keep the employee motivated and productive.

### **Suspensions**

A suspension is one of the more severe employee discipline tactics. It's when an employee is forbidden from performing certain duties or coming to the workplace, and it can involve withholding wages (so long as it's done in compliance with appropriate federal, state, and local laws). Suspending an employee may be part of other more gradual disciplinary tactics (i.e., part of a progressive discipline strategy), or it may be the default punishment for certain actions. For instance, an employee who mishandles cash or sensitive data may immediately be issued a suspension or termination. These and other unique workplace factors such as workplace policies may influence or determine whether a suspension is necessary in a given situation.

### **Terminations**

Terminations are the most severe employee discipline tactics. While terminations may be the implied, final consequence of any disciplinary scenario, in most instances, this is the last course of action taken by employers. Many employers find it more beneficial to teach employees the proper way of doing things and correct them. But some employees don't or choose not to learn, and they continue to violate established workplace rules, leaving employers with no other choice than termination.

However, some situations may warrant immediate termination without attempting further disciplinary action or coaching. Actions requiring immediate termination will vary by locale and organization but may include conduct such as showing up to work under the influence of drugs, stealing company assets, damaging property or using a job for personal enrichment. These situations will vary by workplace.

## **Workplace Investigations**

Workplace investigations are used by employers to investigate incidents that may warrant employee discipline. Disciplining an employee without having the full picture may lead to significant consequences for an employer. For example, the situation may be a misunderstanding, and the employee could be innocent of any workplace violations. A carefully outlined investigation procedure can help mitigate potentially costly legal claims.

Employers typically begin their investigations once an incident that may require disciplinary action comes to their attention. An employer may choose to lay out the specifics of the investigation in writing so they may be applied equally to any employee in a relevant situation. This may include specifying:

- Who will be leading the investigation
- What documentation they will be seeking
- What kinds of actions will be taken (e.g., interviews)
- How long the investigation may take
- Who will be evaluating the outcome

The investigation policy may also include details on potential disciplinary actions to expect in certain circumstances, such as immediate termination for stealing.

The goal of any investigation is usually to quickly address potential issues in a fair, thorough manner. In that spirit, employee information must often be kept on a need-to-know basis.

## Legal Considerations

Employee discipline is an inherently legal topic. As such, there are a number of federal and state laws of which employers should be aware. This section touches on some of those laws and other pertinent legal considerations.

Note, like the other information in this toolkit, this section is for informational purposes only and in no way should be construed as legal or insurance advice. Employers who wish to learn more about the legal implications of employee discipline should speak with legal counsel.

### **At-will vs. Contractual Employment**

Employment arrangements typically fall under two categories: contractual or at-will. Contractual employment means an employer must execute disciplinary actions as outlined in the employment contract. In other words, workplaces are beholden to employment contract terms, whatever they may be.

At-will employment means that an employer may, generally, discipline or terminate an employee for *almost* any reason, provided such actions don't violate any applicable exceptions, such as one of the many federal and state employment laws.

Employers should be aware that an employee could possibly claim a progressive discipline policy alters their at-will employment status. To avoid such claims, many employers establish an at-will policy in their handbook, or alter their progressive discipline policy to include a statement that they reserve the right to deviate from any order of progressive disciplinary actions and dole out whatever discipline they find necessary under the circumstances, and the discipline policy in no way limits or alters the at-will employment relationship.

### **Fair Employment and Discrimination**

Under federal law, many employers are prohibited from discriminating against individuals based on certain protected traits. Employers with 15 or more employees may not discriminate against individuals based on race, color, religion, national origin, sex, disability or genetic information. Employers with at least 20 employees are also prohibited from discriminating based on age against individuals who are age 40 or older. In addition, all employers are subject to equal-pay requirements.

The Equal Employment Opportunity Commission (EEOC) enforces laws that protect employees and applicants from employment discrimination. The EEOC may file charges or initiate federal court lawsuits against employers that violate these laws. In discrimination lawsuits, courts may award compensatory and punitive damages to individuals who are adversely affected by an employer's violation.

All this is to say that employers must be careful when pursuing disciplinary actions against an employee. Employers must be ready to provide ample evidence for a decision. Employers are encouraged to seek legal counsel if they are uncertain how to handle a situation that may seem to warrant disciplinary action.

## Applicable Federal and State Workplace Laws

### Federal Laws

Below is a nonexhaustive list of federal laws relating to the workplace.

- **Equal Pay Act (EPA)**—The EPA prohibits paying different wages to men and women for performing equal work in the same workplace.
- **Title VII of the Civil Rights Act (Title VII)**—Title VII prohibits discrimination or retaliation based on an employee’s race, color, religion, national origin or sex.
- **Pregnancy Discrimination Act (PDA)**—The PDA prohibits discrimination or retaliation based on pregnancy, childbirth or related medical conditions.
- **Americans with Disabilities Act (ADA)**—The ADA prohibits discrimination or retaliation based on the disability of an otherwise qualified individual.
- **Genetic Nondiscrimination Act (GINA)**—GINA prohibits discrimination or retaliation based on an employee’s genetic information.
- **Age Discrimination in Employment Act (ADEA)**—The ADEA prohibits discrimination or retaliation based on an employee’s age, when aged 40 or older.
- **Occupational Safety and Health Act (OSHA)**—OSHA prohibits discrimination or retaliation against employees for reporting or investigating safety violations.
- **Fair Labor Standards Act (FLSA)**—The FLSA prohibits discrimination or retaliation against employees who claim their rights under the FLSA have been violated.



### State Laws

In addition to federal fair employment laws, many states have passed their own version of the federal laws included above. In general, these laws provide protection for job applicants and employees that is similar, though not identical, to the protection provided under federal fair employment laws. For example, some state laws protect a wider range of individuals, apply to small employers that are not subject to the federal provisions and provide different exemptions from their discrimination prohibitions. Employers should become familiar with how both federal and state laws apply to their employment practices.



## Conclusion

For employers, it's worth reviewing topics within employee discipline and furthering an understanding of the topic. As a rule, employers are encouraged to seek legal counsel if they are uncertain of how to handle a particular situation.

Often, detailed policy can help prevent the need for legal resources by providing a clear process for employers to follow, applied uniformly across the entire organization. Review the following appendix section for examples of such resources. Reach out to Troy Benefits Consulting for more information on this and other workplace topics of relevance.

# Appendix

This appendix contains a host of printable resources for employers to use. Included are sample policies, employee communications and forms.

Note, the materials provided are example templates to be adapted to individual business needs. Employers are strongly advised to consult with experienced employment counsel prior to any action involving discipline or discharge.

## **Printing Help**

There are many printable resources in this appendix. Please follow the instructions below if you need help printing individual pages.

1. Choose the “Print” option from the “File” menu.
2. Under the “Settings” option, click on the arrow next to “Print All Pages” to access the drop-down menu. Select “Custom Print” and enter the page number range you would like to print, or enter the page number range you would like to print in the “Pages” box.
3. Click “Print.” For more information, please visit the Microsoft Word [printing support page](#).

## Disciplinary Action Policy

Disciplinary actions may entail verbal, written and final warnings, suspensions and termination. Not all of these actions may be followed in all instances. ABC Company reserves the right to exercise discretion in discipline. Prior warning is not a requirement for termination. All disciplinary actions will be documented; documentation will be placed in personnel files.

ABC Company reserves the right to take any disciplinary action the company considers appropriate, including termination, at any time. In addition to those situations discussed elsewhere in this handbook, listed below are some examples where immediate termination could result. This list is general in nature and is not intended to be all-inclusive:

- Discourtesy to a customer, vendor or the general public resulting in a complaint or loss of goodwill
- Refusal or failure to follow directions from management; insubordination
- Breach of confidentiality relating to employer, employee, customer or vendor information
- Altering, damaging or destroying company property, records or another employee's property
- Dishonesty
- Providing false or misleading information to any company representative or in any company records, including the employment application, benefits forms, time cards, expense reimbursement forms and similar records
- Fighting or engaging in disorderly conduct on the company's or a customer's premises or off-site while representing the company
- Violations of any of company's employment policies including, but not limited to, confidentiality, security, solicitation, insider trading, conflict of interest and code of conduct
- Conduct or performance issues of a serious nature
- Failure of a drug or alcohol test

ABC Company recognizes that personal issues can sometimes affect your performance. The Employee Assistance Program (EAP) is available to employees and their families to provide confidential help with a wide variety of personal problems, issues and concerns.

Use of EAP services, however, does not excuse you from complying with company policies and procedures or from achieving job requirements or expectations during or after receiving EAP assistance. Participation in the EAP will not prevent the company from taking disciplinary action when warranted.

**ABC Company**

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## Standards of Conduct Policy

ABC Company adopts this policy to ensure orderly operations and to provide the best possible work environment. ABC Company expects employees and others who may be engaged to provide services from time to time (such as temporary personnel, consultants and independent contractors) to adhere to these standards of conduct while on company premises, attending company functions or otherwise performing work-related activity and representing ABC Company .

ABC Company is responsible for providing a safe and secure workplace and strives to ensure that all individuals associated with our company are treated in a respectful and fair manner. While not intended to list all the forms of behavior that are considered unacceptable, the following are examples of conduct that may result in disciplinary action:

- Theft or inappropriate removal or possession of property
- Falsification of records, including timekeeping
- Working under the influence of alcohol or illegal drugs
- Possession, manufacture, sale, transfer, distribution or use of alcohol or illegal drugs in the workplace, while representing the company, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Immoral actions or intimidating others
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of company, customer or co-workers' property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Sexual or other unlawful or unwelcome harassment or touching
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones or other company equipment
- Using company equipment for purposes other than business
- Unauthorized disclosure of confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

Any employee who deviates from these rules and standards will be subject to disciplinary action, up to and including termination of employment.

**ABC Company**

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## Performance Evaluation Policy

ABC Company is committed to providing you with feedback, both formal and informal, about your performance on the job. Managers and supervisors are responsible for providing ongoing performance feedback to each employee. In addition, your manager or supervisor may formally discuss and document your performance on a regular basis (generally annually). In some business units, an initial performance review may be conducted within three to six months after an employee is hired or transfers to a new position.

Your performance appraisal discussion will review your strengths and identify any areas needing improvement and goals and objectives that need to be achieved. Specific performance problems may be addressed outside the performance appraisal cycle through either informal discussions or formal disciplinary action. Formal performance feedback becomes a permanent part of your personnel file.

Please contact Human Resources if you feel that an evaluation is due to you or would be helpful to you.

**ABC Company**

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# First Written Warning

To: [Insert employee name]

Date: \_\_\_\_\_

You are receiving this First Written Warning as a result of the issue(s) described below. Please be aware that this is the first step in ABC Company 's progressive discipline process. We trust that you will correct this matter by improving your performance of your job and/or refraining from the act or omission that has led to this First Warning Notice. Failure to make appropriate corrections will lead to further discipline, up to and including discharge.

## Nature of Infraction:

- |   |  |
|---|--|
| <input type="checkbox"/> Poor Work Performance    | <input type="checkbox"/> Absenteeism                           |
| <input type="checkbox"/> Tardiness                | <input type="checkbox"/> Substance Use or Abuse                |
| <input type="checkbox"/> Insubordination          | <input type="checkbox"/> Abuse of Leave                        |
| <input type="checkbox"/> Improper Conduct         | <input type="checkbox"/> Misuse of Email or Telephone          |
| <input type="checkbox"/> Safety Violation         | <input type="checkbox"/> Property Damage                       |
| <input type="checkbox"/> Refusal to Work Overtime | <input type="checkbox"/> Failure to Comply with Company Policy |
| <input type="checkbox"/> Other _____              |  |

Date, time and location of infraction: \_\_\_\_\_

## Details:

*(Continued on the following page.)*

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This Employee Handbook policy is a guideline meant to be edited to meet an employer's situation. It is not meant to be exhaustive or construed as legal advice. Consult additional insurance and/or legal counsel for professional advice. © 2003, 2012, 2017 Zywave, Inc. All rights reserved.

## First Written Warning

### TO BE COMPLETED BY SUPERVISOR/MANAGER

Supervisor/manager's name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
*Supervisor/manager's signature*

### TO BE COMPLETED BY EMPLOYEE

Date: \_\_\_\_\_

Employee's name: \_\_\_\_\_

I acknowledge that I have received a copy of the foregoing First Written Warning and that I have had an opportunity to discuss it with my supervisor or a designated manager.

\_\_\_\_\_  
*Employee's Signature*

## Confidential Supervisor's Memorandum of Disciplinary Action

Date: \_\_\_\_\_

Employee name: \_\_\_\_\_

Department: \_\_\_\_\_

### Details of Problem/Incident:

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Date/time/location of incident: \_\_\_\_\_

Reported by: \_\_\_\_\_

Witnesses: \_\_\_\_\_

### Comments:

*(Continued on following page)*



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Corrective Action to Be Taken:

Additional Recommendations:

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The infractions detailed in this form:

- Have** been noted and recorded in the employee's personnel file
- Have not** been noted and recorded in the employee's personnel file

Comments:

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Form Completed By: \_\_\_\_\_

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date